

**PUBLIC MEETING
MUNICIPALITY OF HURON EAST
Tuesday, April 3rd, 2018**

Huron East Municipal Council met in the Council Chambers of the Municipal Office, Seaforth on Tuesday, April 3rd, 2018 at 7:02 p.m. All members of Council were in attendance with the exception of Councillor Nathan Marshall.

Also present for the public meeting were:

Concerning Proposed Zoning Amendment – Lots 9 and 10, Concession 7, Grey Ward

- Huron County Planning and Development Department Planner Carol Leeming and Senior Planner Denise Van Amersfoort
- Robert VanNes – applicant
- Ryan Bagnell of Monteith Ritsma Phillips Professional Corporation – agent and legal counsel for the applicant
- Mike Van Logtenstein of Dairy Lane Systems Ltd., – builder of the proposed new dairy barn facilities
- Elaine Armstrong, Brian Armstrong, Nathan Prior, Kelsey Frank, Kathy Bishop, Mike Bishop, Kevin Deitner and Gord Finch

Concerning Proposed Zoning Amendment – Part Lot 28, Concession 1, McKillop Ward

- Caroline Baker, Professional Land Use Planner, GSP Group, representing the applicant
- Mary Lou Ricard, Silby Jessome, Sandra Jessome, Rob Deer and Irene Deer

CALL TO ORDER

Mayor Bernie MacLellan called the meeting to order at 7:02 p.m.

Moved by Raymond Chartrand and seconded by John Lowe:
That the Agenda for the Public Meeting for Zoning By-Law Amendments 19 and 20 for 2018 dated April 3rd, 2018 be adopted as circulated.

Adopt Agenda

Carried.

DISCLOSURE OF ELECTED OFFICIALS – PECUNIARY INTEREST

Councillor Dianne Diehl declared a pecuniary interest on the zoning by-law amendment application on Lots 9 and 10, Concession 7, Grey Ward as she has family members who are employed by the applicant.

ZONING BY-LAW AMENDMENTS

CAO/Clerk Brad Knight advised that the following provisions are contained in Ontario Regulation 545/06, Section 5(11) 5;

- i. If a person or public body does not make oral submissions at a public meeting or make written submissions to the Municipality of Huron East before the by-law is passed, the person or public body is not entitled to appeal the decision of the Council of the Municipality of Huron East to the Ontario Municipal Board.
- ii. If a person or public body does not make oral submissions at a public meeting or make written submissions to the Municipality of Huron East before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal to the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

Lots 9 and 10, Concession 7, Grey Ward (Evergreen Holsteins Inc.)

CAO/Clerk Brad Knight explained the purpose and intent of the proposed zoning by-law amendment. The Zoning By-Law proposes to change the zoning from ‘General Agriculture’ (AG1) to ‘General Agriculture – Special’ (AG1-42) and ‘Agricultural Small Holding’ (AG4) to ‘General Agriculture – Special’ (AG1-42) to allow for a reduction in the Minimum Distance Separation (MDS) requirement for new dairy barn facilities.

He advised that Huron County Planner Carol Leeming had provided comments concerning the proposed rezoning in a report to Council dated March 26th, 2018. Comments were also received from Mike Van Logtenstein of Dairy Lane Systems Ltd. and Mike & Kathy Bishop, neighbouring landowners.

Huron County Planning and Development Department

Planner Carol Leeming attended before Council to present her report to Council on the proposed zoning by-law amendment application on Lots 9 and 10, Concession 7, Grey Ward. Ms. Leeming reviewed the report with the following points being noted:

The farm parcel subject to this amendment is 80.9 hectares (200 acres) in size and contains an existing dairy facility, 2 calf barns and 2 houses. Currently there are 377 nutrient units on the farm. Evergreen Farms also has a milking operation on a farm to the east of the subject property across Johnston Line. The livestock in that facility are proposed to be relocated to the subject property in a new dairy barn and milking area. The closest part of these new buildings would be at a distance of 379 metres (1,244 feet) from the neighbouring house across Brandon Road. The new dairy barn facility will hold an additional 1,038 nutrient units for a total of 1,415 nutrient units. The required MDS for the new facility to any residence is 454 metres (1,490 feet). The zoning by-law amendment would allow the barn to be built at a distance that is 75 metres (246 feet) closer than currently permitted by the Zoning By-Law.

The proposed zoning by-law amendment would allow for an expansion of an existing farming operation. The proposed barn meets setbacks for front, rear and side yard setbacks. The proposed barn and manure storage would be consistent with permitted uses in the AG1 zone. The applicant has indicated that in order to properly integrate the new dairy barn and existing dairy barn, it is required to move the new barn closer to the neighbour to the south and it is being located to align with the other dairy barn. The proposed barn will be located farther to the north and east of the house than the existing barns. The MDS implementation guidelines published by OMAFRA do permit MDS to be varied if the precise distance cannot be met. In Huron County, requests to decrease the MDS distance requirements have been supported provided the reduction is minor and continues to meet the intent of the MDS formula.

The area of the proposed development is designated Agriculture in the Huron East Official Plan and the proposed livestock facility and manure storage are a permitted use in the agricultural designation. The zoning amendment to allow these facilities promotes and protects the long-term future of agriculture in Huron East. The proposed zoning by-law amendment would allow for an expansion of an existing farm operation.

Two comments expressing concern with the proposed amendment have been received. The Huron County Planning Department recommended Council defer making a decision on the proposed zoning by-law amendment application in order for concerns to be reviewed and considered by the applicant and the Planner.

Elaine and Brian Armstrong

Elaine and Brian Armstrong attended before Council to express concerns and opposition to the proposed zoning by-law amendment. Mr. Armstrong advised he was opposed to the amendment as it would affect the use and pleasure of his property on Lot 9 and 10, Concession 8, across the road from the subject lands in the following way:

- limit usage of lands by limiting buildings
- drainage of the barns
- affect the profit from farm if sold in the future
- odour, noise and additional traffic issues

Mike Bishop

Mike Bishop attended before Council to question whether the zoning amendment would affect the location of any future building on his property. Planner Carol Leeming advised that any future buildings would be required to meet the MDS requirements.

Ryan Bagnell – Monteith Ritsma Phillips Professional Corporation

Ryan Bagnell, agent and legal counsel for the applicant attended before Council to address any concerns raised. Mr. Bagnell advised that the limits to location of future buildings would only apply should a second residence be proposed and would be within the current separation distances. Mr. Bagnell also advised there was no reason to consider that the application would limit profitability of properties in the areas as a successful dairy operation tends to increase value of surrounding properties.

Mike Van Logtenstein – Dairy Lane Systems Ltd.

Mike Van Logtenstein of Dairy Lane Systems Ltd. attended before Council to provide background on the proposed development to expand the existing dairy farm on Brandon Road. Mr. Van Logtenstein was hired by the applicant for the development of the proposed new barn. Council were advised there are three farm buildings on the property, a dairy barn, a new born calf barn, and a weined calf barn. The proposed project is to build a new dairy barn and milking center that will allow Robert and Andrea Van Nes to relocate the milking heard from the other side of Johnston Road. He noted that their current facilities are now 25 years old and do not meet the requirements of their growing herd. He further advised that their plan is to move the cows and larger heifers to the new barn and then re-utilize the existing facilities to house younger heifers. He further indicated that to properly integrate the new dairy barn and existing dairy barn it is required to move the new project closer to the neighbour south of the new building site and on the opposite side of Brandon Road. He advised that the he Minimum Distance Separation calculation requires 454 metres of separation but practically only 379 metres of separation can be achieved from the property in question.

Mr. Van Logtenstein noted the applicant was very concerned with the relationship of the neighbours throughout the course of the project and every effort has been made to have the proposed barn located as far back as possible. He suggested that the connection to the existing barn would ideally have been in the middle of the barn however remodeling of the existing barn to allow the addition to be pushed back as far as possible has been done. He advised that a drainage plan has been completed to ensure surface water or run off from the new construction will drain north.

Questions of Council

Councillor McLellan questioned the total number of animal units for the proposed development and any proposed expansion. He also questioned the amount of manure, spreading and land base to spread noting if there was more manure and bigger equipment there may be a potential problem for manure being spilled on the road. Mr. Van Logtenstein advised the barn will be near capacity for the animal units allowed and any possible expansion would be to the north and would be impractical as the land drops off 14-15 feet. Mr. Van Logtenstein also noted that the total manure volume is not changing, the manure pit was moved and access is through Johnston Line to reduce the traffic on Brandon Line. Councillor McLellan also questioned water usage and whether a water taking permit would be required. Mr. Van Logtenstein advised that the number of cows being milked will not increase and the water usage will not increase. It was noted that from an animal welfare perspective, the proposed development will create a more comfortable environment for the cows, the barn will be cross ventilated and reduce odour concerns.

Councillor Blaney questioned the necessity of the location of the proposed barn and whether it was for convenience and least expensive or could it actually be moved to the north. Mr. Van Logtenstein advised the configuration of the original barn somewhat limited their options for an efficient operation in conjunction with the proposed barn.

Part Lot 28, Concession 1, with ROW, McKillop Ward (Zulk Enterprises Inc.)

CAO/Clerk Brad Knight explained the purpose and intent of the proposed zoning by-law amendment. The Zoning By-Law proposes to change the zoning from 'Future Development' (FD) to 'Residential Low Density' (R1) and 'General Agriculture' (AG1) to 'Restricted Agriculture' (AG2). It was noted the changes are a condition of surplus farm dwelling severance B86/17. He advised that Huron County Planner Carol Leeming had provided comments concerning the proposed rezoning in a report to Council dated March 26th, 2018.

Huron County Planning and Development Department

Planner Carol Leeming attended before Council to present her report to Council on the proposed zoning by-law amendment application on Part Lot 28, Concession 1, with ROW, McKillop Ward. Ms. Leeming reviewed the report with the following points being noted:

The proposed zoning changes are a condition of surplus farm dwelling severance B86/17 which severed the lands to be zoned R1 (Residential Low Density) to permit a residence; and the retained lands to AG2 (Restricted Agriculture) to prohibit a residence.

The lot being rezoned from FD (Future Development) to R1 was created by the severance and contains an existing residence. The R1 lot will have a registered right-of-way to share the existing entrance with the retained FD and AG2 zoned lot. This access is also shared with a dwelling to the east.

The portion of the retained lands immediately to the north and adjacent to the severed lands will remain zoned FD and contain an existing barn and shed. These lands are within the Urban designated settlement area and no new structures are permitted in the FD zone. The other portion of the retained lands further to the north are in the Agricultural Designation. The zoning by-law amendment would change the zoning on this portion of the property to an AG1 (Restricted Agriculture) zone to prohibit a residence.

The Huron County Planning and Development Department advised the application conforms with the policies of the Huron East Official Plan, Huron County Official Plan and Provincial Policy Statement and recommended approval of the zoning by-law amendment as circulated.

Mary Lou Ricard

Mary Lou Ricard attended before Council to request further clarification on the zoning amendment. Ms. Richard questioned why the restricted agricultural area was not following the natural environmental course and also requested clarification on the zoning classifications. Planner Carol Leeming advised that the creek area itself geographically is not a division of zoning or designation however it would have an impact on future development if and when that occurs. No development is proposed at this time and any proposed development on conservation regulated lands would be reviewed by the conservation authority. Ms. Ricard also questioned street access to the property and was advised there is currently a right-of-way to the remaining farm property. Any access for development in the future would have to go through a planning process and meet the requirements.

Caroline Baker – GSP Group

Caroline Baker, Planner from GSP Group and representing the applicant, attended before Council to provide background on the application and answer any questions of Council. Ms. Baker noted the zoning amendment application was fulfilling a condition of severance that was recommended for approval by Council in February. Council were advised there are no immediate plans for any development on this property and the severance will allow for the existing house on a residential lot in the urban area of Seaforth. The application will also restrict the agricultural use on the property. The land zoned Future Development is within the urban area of Seaforth and the owner has no intent at this time to develop the property.

The CAO/Clerk advised that no written comments have been received from the public or any agencies.

Moved by Brenda Dalton and seconded by Joseph Steffler:
That the Public Meeting for Zoning By-Law Amendments No. 19 and 20 for 2018
be closed at 7:50 p.m.
Carried.

Bernie MacLellan, Mayor

Brad Knight, CAO/Clerk